

47UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-20346

Hon. Matthew F. Leitman

v.

JOSHUA TUCHOLSKI,

Defendant.

_____ /

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S
MOTION FOR RETURN OF PERSONAL PROPERTY (ECF #54)**

On April 9, 2014, law enforcement agents executed a search warrant at a residence belonging to Defendant Joshua Tucholski. During that search, agents seized numerous items belonging to Tucholski, including computer equipment, an XBOX 360 HD video game system, and two cellular telephones. (*See* ECF #54 at Pg. ID 458-459.) Tucholski subsequently pleaded guilty to one count of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). (*See* ECF #37.) The Court imposed sentence on Tucholski on September 22, 2015. (*See id.*)

On June 7, 2017, Tucholski filed a motion in which he asks the Court to order the Government to return (to his parents) certain specifically-identified personal property that the Government seized at the time of the search. (*See* ECF #54.) The Government “does not object to the return of [Tucholski’s] property that was seized

... and which does not contain contraband.” (Government’s Resp. Br., ECF #56 at Pg. ID 463.) However, the Government asserts that (1) it already returned much of the property Tucholski identified in his motion and (2) to the extent that it has not returned those items, it does not possess them. (*See id.* at Pg. ID 463-64.)

Accordingly, because the Government does not object to returning Tucholski’s property, **IT IS HEREBY ORDERED** that Tucholski’s motion for return of personal property (ECF #54) is **GRANTED IN PART** as follows: If the Government possesses any of the items described in Tucholski’s motion, and if those items do not contain contraband, then the Government shall return them to Tucholski’s parents within 21 days of this Order. In all other respects, Tucholski’s motion is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 13, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 13, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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